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GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No.F.11 (2)- Law/Lib/2018/16839 **Dated, Agartala the 6th Dec, 2018.**

Subject : Re-publication of Central Acts & Amendments Act, 2018 in the State Gazette.

1. The Homoeopathy Central Council (Amendment) Act 2018 (Act No. 23 of 2018).

06/12/18

Rahul Roy
Under Secretary, Law
Government of Tripura.

THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT) ACT, 2018

AN ACT

further to amend the Homoeopathy Central Council Act, 1973.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commence-ment.

1. (*1*) This Act may be called the Homoeopathy Central Council (Amendment) Act, 2018.

(*2*) It shall be deemed to have come into force on the 18th day of May, 2018.

59 of 1973.

Insertion of new sections 3A, 3B and 3C.

2. In the Homoeopathy Central Council Act, 1973 (hereinafter referred to as the principal Act), after section 3, the following sections shall be inserted, namely:—

Power of Central Government to supersede Central Council and to constitute a Board of Governors

'3A. (*1*) On and from the date of commencement of the Homoeopathy Central Council (Amendment) Act, 2018, the Central Council shall stand superseded and the President, Vice-President and other members of the Central Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

(*2*)The Central Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Central Council under sub-section (*1*).

(*3*) Upon the supersession of the Central Council under sub-section (*1*) and until a new Council is constituted in accordance with section 3, the Board of Governors constituted under sub-section (*4*) shall exercise the powers and perform the functions of the Central Council under this Act.

(*4*) The Central Government shall, by notification in the Official Gazette, constitute a Board of Governors which shall consist of not more than seven persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of Homoeopathy and Homoeopathy education, and eminent administrators, and who may be either nominated member or members, *ex officio,* to be appointed by the Central Government, one of whom shall be selected by the Central Government as the Chairperson of the Board of Governors.

(*5*)The Chairperson and the other members, other than the members, *ex officio*, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.

(*6*) The Board of Governors shall meet at such time and such place and shall observe such rules of procedure in regard to the transaction of business at its meetings as is applicable to the Central Council.

(*7*) Two-third of the members of the Board of Governors shall constitute the quorum of its meetings.

(*8*) No act or proceedings of the Board of Governors shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the Board of Governors; or

(*b*) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.

(*9*) A member having any financial or other interest in any matter coming before the Board of Governors for decision, shall disclose his interest in the matter before he may, if allowed by the Board of Governors, participate in such proceedings.

(*10*) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.

Certain modifications of Act.

3B. During the period when the Central Council stands superseded,—

(*a*) the provisions of the Act shall be construed as if for the words "Central Council", the words "Board of Governors" were substituted;

(*b*) the Board of Governors shall exercise the powers and discharge the functions of the Central Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Central Council shall be construed as references to the Board of Governors.

Power of Central Government to give directions.

3C. (*1*) Without prejudice to the provisions of this Act, the Board of Governors or the Central Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Board of Governors or the Central Council, after its reconstitution shall, as far as practicable, be given an opportunity to express its view before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is a matter of policy or not shall be final.'.

Insertion of new section 12C.

3. After section 12B of the principal Act, the following section shall be inserted, namely:—

Time for seeking permission for certain existing medical colleges.

"12C. (*1*) If any person has established a Homoeopathy Medical College or any Homoeopathy Medical College has opened a new or higher course of study or training or increased the admission capacity on or before the date of commencement of the Homoeopathy Central Council (Amendment) Act, 2018, such person or Homoeopathy Medical College, as the case may be, shall seek, within a period of one year from the said commencement, permission of the Central Government, in accordance with the provisions specified in the regulations made by the Central Council.

(*2*) If any person or Homoeopathy Medical College, as the case may be, fails to seek permission under sub-section (*1*), the provisions of section 12B shall apply, as far as may be, as if the Central Government has been refused.".

Repeal and saving.

Ord. 4 of 2018.

4. (*1*) The Homoeopathy Central Council (Amendment) Ordinance, 2018 is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.